

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Pardee Excavating, LLC,)
Plaintiff,) **AMENDED ORDER**
vs.)
ONEOK Rockies Midstream, LLC,) Case No. 1:16-cv-003
Defendant.)

On February 2, 2016, plaintiff filed a “Notice of Voluntary Dismissal.” On February 3, 2016, pursuant to plaintiff’s notice, issued an order dismissing this action with prejudice and without costs to any party. Later that same day plaintiff filed an “Amended Notice of Voluntary Dismissal.” In attached correspondence plaintiff advised that the original notice mistakenly advised that plaintiff was dismissing this action “with prejudice” instead of “without prejudice.” Plaintiff requests that the court vacates its initial order and dismiss this action without prejudice and without costs to any party. The court **VACATES** its February 3, 2016, order dismissing this action with prejudice and **ORDERS** that this action be **DISMISSED WITHOUT PREJUDICE** and without costs to any party.

Dated this 4th day of February, 2016.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court